

OWNER/APPLICANT: CALIFORNIA DEPT OF PARKS AND RECREATION
12301 N HWY 1, PO BOX 1
MENDOCINO, CA 95460

AGENT: MENDOCINO LAND TRUST- DOUG KERN
PO BOX 1094
MENDOCINO, CA 95460

REQUEST: Coastal Development Use Permit Modification to CDU_2006-0011. This modification proposes the addition of the 1.5 mile M2 legacy logging haul road to the original Big River Watershed Restoration Project. The proposed project would excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development includes vegetation removal, aquatic habitat restoration, and stream crossing improvements. This modification proposes activities identical to those approved in the original permit application.

LOCATION: In the Coastal Zone, 0.25 miles south of the town of Mendocino, on the northeast side of the intersection of Highway 1 and Big River, at the Big River Unit of Mendocino Headlands State Park (APN 119-280-10, etc.).

APPEALABLE AREA: Yes, Conditional Use

PERMIT TYPE: Coastal Development Use Permit Modification

TOTAL ACREAGE: 1,117± acres

GENERAL PLAN: Forest Lands- 160 acre minimum (FL-160)

ZONING: TP:160[FP]

EXISTING USES: Estuary, wildlife and plant habitat, passive recreation, abandoned quarry

ADJACENT ZONING: North: RR5
East: TP160
South: RR10
West: MRR2

SURROUNDING LAND USES: North: Residential
East: Timber Production
South: Timber Production
West: Vacant

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL REVIEW:

The *Mitigated Negative Declaration* is included as Appendix C and the *Supplement 02 to Final Mitigated Negative Declaration* is included as Appendix D.

OTHER RELATED APPLICATIONS:

CDU #2006-0011 permitted California Department of Parks and Recreation to excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development included major vegetation removal, fish habitat restoration, stream crossing improvements, the placement of a restroom facility and informational kiosk in the existing parking area, improvement to the existing parking area and access road, and the placement of interpretive signs along public access areas. The existing abandoned quarry site was designated as a fill site for the excavated material. The permit was approved on October 19, 2006.

CDUM #2010/2006-0011 modified CDU #2006-0011 to include the installation of eight interpretive panels along Big River Haul Road. The amendment was considered immaterial and was issued on April 12, 2010.

CDU #1993-0009 approved the extraction and processing (crushing/screening) of up to 10,000 cubic yards of rock per year for five years from a hillside quarry located within the Big River unit of Mendocino Headlands State Park (APN 119-290-04).

CDP #2002-0110 approved California Department of Parks and Recreation to perform improvements to the Sinkyone Wilderness State Park coastal watersheds. The project included full road contouring on approximately 40 miles of road, removal of fill material from 203 stream crossings associated with the service and skid roads, and stabilization of 130,000 cubic yards of road fill. Located within the Sinkyone Wilderness State Park, near the northern border of Mendocino County on the west side of Usal Road, 10 miles north of its intersection with Highway 1.

PROJECT HISTORY: The Big River unit of the Mendocino Headlands State Park has an approximately 150 year history of managed timber harvest and production. In 2002, Mendocino Land Trust finalized the acquisition of property from the Campbell-Hawthorne Timber Company and transferred the property to the California Department of Parks and Recreation.

A rock mining site known as the Big River Rock Quarry Site, previously operated by Big River Rock Company, exists within the Coastal Zone portion of Big River State Park. In 2004 and 2005, Big River Rock Company completed portions of the reclamation required as part of their Use Permit and Reclamation Plan (CDU #1993-0009). There was some disagreement as to the responsible party for the final reclamation of the site once the property had transferred to the California Department of Parks and Recreation. CDU #2006-0011 required as a condition of approval the incorporation of the reclamation requirements by the California Department of Parks and Recreation.

PROJECT DESCRIPTION: *Please note: substantial portions of this staff report are either direct quotations or paraphrases of material from documentation submitted to this Department by the California Department of Parks and Recreation, including the *Initial Study, Mitigated Negative Declaration, Big River Watershed Restoration Proposition 40 – River Parkways Grant Project* and *Supplement 02 to Final Mitigated Negative Declaration, Big River Watershed Restoration Proposition 40 – River Parkways Grant Project* documents, located in the CDU #2006-0011 and CDUM #2015-0001 file in the Mendocino County Department of Planning and Building Services office in Fort Bragg.

The proposed project would modify CDU #2006-0011 which authorized California Department of Parks and Recreation to excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development included major vegetation removal, fish habitat restoration, stream crossing improvements, the placement of a restroom facility and informational kiosk in the existing parking area, improvement to the existing parking area and access road, and the

placement of interpretive signs along public access areas. The existing abandoned quarry site was designated as a fill site for the excavated material.

The proposed modification adds the 1.5 mile M2 legacy logging haul road to the original Big River Watershed Restoration Project. The proposed project would excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development includes vegetation removal, aquatic habitat restoration, and stream crossing improvements. This modification proposes activities identical to those approved in the original permit application. As stated in Condition 8, the proposed modification shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*. The activities principally involve repairing or replacing failing or dysfunctional water-course crossings, removing excess road fill, stabilizing failing road cuts, restoring pre-disturbance hydrologic processes, removing non-native/invasive vegetation and re-vegetating with native species.

SITE DESCRIPTION: The proposed project is located to the southeast of the town of Mendocino, on the east side of Highway 1, approximately one mile from the coast, on the M2 legacy logging haul road (Location Map, Attachment A). Adjacent parcels are a mixture of residential, timber, and recreational uses.

In its current state, the M2 legacy logging haul road is experiencing erosion, delivering low-quality detrimental sediment to Big River. Initial reconnaissance by California Department of Parks and Recreation staff found one large landslide, seven watercourse crossings, seven ditch-relief culverts and a few areas with road outboard fill stress. Three watercourse crossings on seasonal streams were observed to be undergoing progressive failure, thus increasing the potential of delivery of large quantities of sediment into Big River. Proposed remediation includes pulling the cross-drain culverts and outsloping the road. The Department of Conservation, California Geological Survey prepared a document, included as Appendix B, providing further details on the existing site conditions, remediation needs, and plans for each site.

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No comment
Planning – MHRB	Informational only, presented at next scheduled meeting.
Mendocino Department of Transportation	No comment
Environmental Health – Fort Bragg	Maintain minimum setbacks from septic system components (5 feet from a septic tank, 8 feet from leaching lines).
Building Inspection – Fort Bragg	No comment
Assessor	No response
US Fish and Wildlife Service	No response
Trails Advisory Council	No response
Native Plant Society	No response
Air Quality Management District	No comment
CalTrans	No response
Department of Forestry / CALFIRE	No comment
Department of Fish and Wildlife	In order to avoid or minimize potential for environmental impacts, California State Parks should comply with all conditions in the Mitigated Negative Declaration and any additional requirements determined during subsequent permitting and consultation with regulatory agencies. I have no additional recommendations.
Coastal Commission	No response
Regional Water Quality Control Board	No response

KEY ISSUES: Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Coastal Zoning Code (MCCZC). APPENDIX A of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project. The issues listed below are drawn from APPENDIX A and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

Fire

The project is located in an area that has a high fire hazard severity rating, as shown on Attachment M. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for comment. CalFire had no comment with regards to the proposed project. The *Mitigated Negative Declaration* addresses possible fire hazards associated with tools, materials, and equipment that may be used in conjunction with the project and includes recommended mitigation measures. **Condition 8** is recommended to ensure that all applicable mitigation measures proposed in the *Mitigated Negative Declaration* are followed.

Natural Resources

Section 20.496 of the MCCZC discusses criteria for permitting development near or within an environmentally sensitive habitat area (ESHA). Any project for development within the Coastal Zone must demonstrate to the approving authority that the project will not degrade an ESHA or resource area and shall be compatible with the continuance of such areas.

A *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report* and *Technical Assistance* were completed for the proposed project. The proposed project involves removing failing culverts and the aggraded stream material upslope of the culverts to create a natural stream slope. If construction operations do not remove the aggraded stream material upstream of the culvert, the stream will readjust its slope during high flow events and by doing so will remove the aggraded material and deposit it downstream.

Meeting the definition of an ESHA are the Mendocino Headlands State Park, Big River riparian corridor, Big River coastal wetlands, seven water-course crossings, the boggy area, and some of the roadside ditch areas that support either wetland or riparian vegetation (Section 3.1 of the Mendocino County General Plan Coastal Element). Section 20.496.025 of the MCCZC allows for restoration related projects to occur within wetland areas. Section 20.496.035 outlines requirements for permitted development in riparian corridors and other riparian areas. The section lists allowable developments and activities that could degrade riparian areas. The proposed restoration activities would result in long-term improvement of the riparian areas and therefore would not be analyzed in this section.

Environmental Scientist, Terra Fuller of California State Parks conducted a *Botanical Report* (on file), dated December 2014, to determine the extent of any ESHA that may be present on the subject parcel. Consistent with the original *Mitigated Negative Declaration* and Coastal Development Permit (CDU #2006-0011), State Parks proposes to salvage the small population of *Mitellastra caulescens* (a non-ESHA plant community), identified within the project area, prior to operations.

For impacts to biological resources, the project was reviewed by U.S. Fish and Wildlife Service for potential impacts to Northern Spotted Owl and Marbled Murrelet. USFWS stated in their technical assistance email correspondence (on-file, reference #AFWO-13B0070-13TA01016) that “there is no nesting habitat at the project site for either species, and consequently, any removal of trees associated with the project would not directly impact either species.”

Based on the findings of the *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report* and *Technical Assistance*, it can be concluded that no unpermitted development will occur within an environmentally sensitive habitat area. **Condition 8** and **Condition 9** are recommended, which provide protection and mitigation measures to be implemented to reduce any

potential impacts to the existing natural resources present on the parcel. With the inclusion of **Condition 8** and **Condition 9**, the proposed project is in conformance with Section 20.496 of the MCCZC.

Utilities

The proposed project will not require the installation of utility structures, as the proposed project is for the restoration of failing stream crossings, to reduce erosion and sedimentation problems within the watershed.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. In a response dated February 3, 2015 (on file), the Division stated that the applicant shall "maintain minimum setbacks from septic systems (5 feet from a septic tank, 8 feet from leaching trench)." The proposed project does not include any structures but excavation and tree removal work will occur near residential uses. **Condition 10** is recommended to achieve compliance with DEH recommendations.

Drainage

Drainage is subject to Section 20.492.025 of MCCZC, which provides regulations mitigating the impact of stormwater runoff and erosion. The purpose of the proposed project is to correct erosion and sedimentation problems, improve stream crossings along roads, remove logging roads that contribute sediment to Big River and tributaries, and restore the area to pre-disturbance hydrologic conditions. The *Mitigated Negative Declaration* states the following with regards to drainage:

The project is very unlikely to have the dramatic effect of altering larger scale or local drainage patterns. However, alterations will be made to short reaches along several tributaries of Big River, through the removal of culverts, road prism fill, and overburdened fill slopes along roads, the re-establishment of historical streambank morphology and stream courses, the outslipping of roads, and the armoring of stream crossings along roads. The intention of this project is to decrease the erosive or mass wasting potential of existing conditions that have resulted in unstable and failed slopes, blocked culverts, and erosion. The remedial work described will, nonetheless, increase the short-term potential for erosion within project restoration areas, and these changed conditions could result in short-term increases in sedimentation downstream. Mitigation measures...will reduce the impact to a less than significant level.

The scale of this project, along with its emphasis for remedial work along tributaries of Big River, will not result in any change in the potential for downstream flooding. Runoff rates of surface water will not be altered, but as noted, a primary goal is the reduction in the sediment load accompanying water runoff. Thus, the project, even at a small scale, intends to reduce the local potential for flooding roads or other surfaces as a result of blockages by stream-borne debris and sediment.

The project is not involved in changing or altering any stormwater runoff management system, and also does not involve any introduction or disturbance of known sources of pollutants.
(California Department of Parks and Recreation 2006)

Condition 8 is recommended to achieve compliance with the recommended protection and mitigation measures presented in the *Mitigated Negative Declaration* and *Supplement 02 to Final Mitigated Negative Declaration*. With the inclusion of the recommended condition, the proposed project is consistent with Section 20.492.025 of the MCCZC.

Cultural Resources

An *Archaeological Survey Report* was prepared by Dionne Gruver on February 18, 2015 (on-file). During preparation of the *Archaeological Survey Report*, the Northwest Information Center of the California Historical Resources Information System (NWIC) at Sonoma State University was consulted and their records were searched to examine all reported archaeological surveys, all recorded archaeological resources and all historical resources listed in the State's historic property directory. Therefore, since

consultation was performed by the preparing archaeologist, this project was not referred to NWIC. The survey states the following in terms of results:

This current field investigation in support of restoration work on M2, failed to produce evidence of significant, intact cultural resources in the Area of Potential Effect (APE) identified for this project. Found throughout the project area was evidence of past logging activities, which include modern logging roads, skid trails, and stumps. These features are ubiquitous throughout the region where logging was prevalent and are not unique. Some of these logging features may have been created during historic era logging activities, but have since, been modified to accommodate modern logging practices including the use of large mechanized equipment to modify existing roads.

The project was referred to the Mendocino County Archaeological Commission to review for impacts on cultural resources, including archaeological or paleontological resources, on April 8, 2015. The Mendocino County Archaeological Commission accepted the Survey finding that no cultural, historical, or archaeological sites were observed.

The applicant is still advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 11** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

STAFF RECOMMENDATION: Adopt the Mitigated Negative Declaration and Supplement 02 to Final Mitigated Negative Declaration, and approve the request for Coastal Development Use Permit Modification CDUM 2015-0001 with the recommended Conditions of Approval.

ENVIRONMENTAL RECOMMENDATION AND FINDINGS: The Mitigated Negative Declaration prepared by California Department of Parks and Recreation is included as Appendix C and the Supplement 02 to Final Mitigated Negative Declaration prepared by California Department of Parks and Recreation is included as Appendix D. Staff finds the documents adequate in addressing concerns that can be identified as potential issues of significance. Staff therefore recommends that the Planning Commission, pursuant to California Environmental Quality Act (CEQA) Sections 15096 and 15162, find the negative declaration adopted by California Department of Parks and Recreation is adequate for the purposes of this entitlement.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Planning Commission approves the proposed project, and adopts the following findings and conditions.

ENVIRONMENTAL FINDINGS: The Planning Commission finds that the California Department of Parks and Recreation is the lead agency under the California Environmental Quality Act, and that the California Department of Parks and Recreation has prepared a Mitigated Negative Declaration and Supplement 02 to Final Mitigated Negative Declaration for the project, and therefore the Planning Commission is not required to make an environmental determination; and that the Planning Commission certify that the information contained in the Mitigated Negative Declaration and Supplement 02 to Final Mitigated Negative Declaration prepared by California Department of Parks and Recreation was reviewed and considered prior to acting on this application.

REQUIRED FINDINGS FOR ALL COASTAL DEVELOPMENT PERMITS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. Resource Protection Impact Findings:
 - a. Development in Environmentally Sensitive Habitat Areas:
 - i. The resource as identified will not be significantly degraded by the proposed development.
 - ii. There is no feasible less environmentally damaging alternative.
 - iii. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.
 - b. Impact Finding for Resource Lands Designated AG, RL and FL:
 - i. The proposed use is compatible with the long-term protection of resource lands.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. The proposed project shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*, prepared by the Department of Parks and Recreation.
9. To provide for the protection of Natural Resources on the site during construction:
 - a. East of the M2.5 skid road July 10th seasonal noise restrictions shall be implemented to provide for the protection of Northern Spotted Owl habitat.
 - b. If suitable habitat exists after channel reconstruction, State Parks shall replant the *Mitellastra caulescens* in its original vicinity or in suitable habitat in a nearby watercourse.
 - c. If any additional rare plants are detected prior to operations (July 10, 2015), State Parks shall re-consult with the California Department of Fish and Wildlife and Mendocino County Planning staff regarding proposed impacts and protection measures.
10. The applicant shall maintain minimum setback distances from residential septic systems. Setbacks are 5 feet from septic tanks and 8 feet from leach fields.
11. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
12. It shall be the responsibility of the applicant to provide a copy of the mitigation measures adopted as a part of the *Mitigated Negative Declaration*, together with copies of any other required conditions of approval of CDU #2006-0011 and CDUM #2015-0001, to any contractors, organizations, or volunteer groups engaged to perform work to the site in order that they are fully aware of the conditions of this permit and that all work performed is in compliance with all applicable mitigation measures and conditions.

Staff Report Prepared By:

DATE

JULIA ACKER
PLANNER I

JA

Appendices List:

- Appendix A Coastal Permit Approval Checklist
Appendix B California Geological Survey, *Big River State Park- Watershed Restoration- Rd M2*
Appendix C *Initial Study, Mitigated Negative Declaration, Big River Watershed Restoration Proposition 40- River Parkways Grant Project*
Appendix D *Supplement 02 to Final Mitigated Negative Declaration*

Attachments List:

- A- Location Map
B- Topographic Map
C- 2014 NAIP Aerial Orthophoto
D- Project Location
E- Overall Site Plan
F- Longitudinal Profile (Typical)
G- Cross Section (Typical)
H- Zoning Display Map
I- General Plan Classifications
J- LCP Maps 15, 16, 17 & 18
K- Adjacent Parcels (East Section)
L- Adjacent Parcels (West Section)
M- Fire Hazard Zones & Responsibility Areas
N- FEMA Flood Zone
O- Coastal Ground Water Resource Areas
P- Highly Scenic & Tree Removal Areas
Q- Estimated Slope
R- Local Soils
S- Timber Production Zones
T- Wetlands Designated Areas